

House File 250

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HOUSE FILE 250

AN ACT

RELATING TO THE CRIMINAL PENALTIES FOR AN ASSAULT ON MEMBERS OF
CERTAIN OCCUPATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 708.3A, subsections 1 through 4, Code
2003, are amended to read as follows:

1. A person who commits an assault, as defined in section
708.1, against a peace officer, jailer, correctional staff,
member or employee of the board of parole, health care
provider, employee of the department of human services, or
fire fighter, whether paid or volunteer, with the knowledge
that the person against whom the assault is committed is a
peace officer, jailer, correctional staff, member or employee
of the board of parole, health care provider, employee of the
department of human services, or fire fighter and with the
intent to inflict a serious injury upon the peace officer,
jailer, correctional staff, member or employee of the board of
parole, health care provider, employee of the department of
human services, or fire fighter, is guilty of a class "D"
felony.

2. A person who commits an assault, as defined in section
708.1, against a peace officer, jailer, correctional staff,
member or employee of the board of parole, health care
provider, employee of the department of human services, or
fire fighter, whether paid or volunteer, who knows that the
person against whom the assault is committed is a peace
officer, jailer, correctional staff, member or employee of the
board of parole, health care provider, employee of the
department of human services, or fire fighter and who uses or
displays a dangerous weapon in connection with the assault, is
guilty of a class "D" felony.

3. A person who commits an assault, as defined in section
708.1, against a peace officer, jailer, correctional staff,
member or employee of the board of parole, health care
provider, employee of the department of human services, or
fire fighter, whether paid or volunteer, who knows that the
person against whom the assault is committed is a peace
officer, jailer, correctional staff, member or employee of the
board of parole, health care provider, employee of the
department of human services, or fire fighter, and who causes
bodily injury or mental illness, is guilty of an aggravated
misdemeanor.

4. Any other assault, as defined in section 708.1,
committed against a peace officer, jailer, correctional staff,
member or employee of the board of parole, health care
provider, employee of the department of human services, or
fire fighter, whether paid or volunteer, by a person who knows
that the person against whom the assault is committed is a
peace officer, jailer, correctional staff, member or employee
of the board of parole, health care provider, employee of the
department of human services, or fire fighter, is a serious
misdemeanor.

Sec. 2. Section 708.3A, Code 2003, is amended by adding
the following new subsection:

NEW SUBSECTION. 8. As used in this section, "employee of
the department of human services" means a person who is an
employee of an institution controlled by the director of human
services that is listed in section 218.1, or who is an
employee of the civil commitment unit for sex offenders
operated by the department of human services. A person who
commits an assault under this section against an employee of
the department of human services at a department of human
services' institution or unit is presumed to know that the
person against whom the assault is committed is an employee of
the department of human services.

CHRISTOPHER C. RANTS
Speaker of the House

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JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 250, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor